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Attorneys for CitiMortgage, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, *ex. rel.*,

Plaintiff,

JAMES R. ADAMS and PUOY K.
PREMSRIRUT,

Relators,

vs.

AURORA LOAN SERVICES, LLC, et al.,

Defendants.

Case No.: 2:11-cv-00535-RCJ-PAL

**EMERGENCY MOTION FOR AN
EXTENSION OF THE DEADLINE FOR
RESPONSIVE PLEADINGS**

(First Request)

Defendant CitiMortgage, Inc., moves pursuant to Fed. R. Civ. P. 6(b)(1)(A) for an order extending the period in which it may file a responsive pleading.

In support of this Emergency Motion, CitiMortgage states as follows:

1. Relators James Adams and Puoy Premsrirut (collectively, “Relators”) commenced this action under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. §§ 3729-3733, by Complaint filed under seal on April 8, 2011. (Docket No. 1.) Relators filed a First Amended Complaint under seal on July 29, 2011. (Docket No. 10.) After the Department of Justice declined to intervene, the case was unsealed on April 23, 2012. (Docket No. 24.)

2. On January 18, 2013, Relators filed a putative Second Amended Complaint (Docket No. 42), and a putative Third Amended Complaint that was incorrectly identified as the Second Amended Complaint. (Docket No. 43.) Eight months after the case was unsealed, on January 22,

1 2013, Relators obtained a summons for CitiMortgage. (Docket No. 48.) On January 23, 2013,
2 Relators purported to serve copies of the summons and the putative Third Amended Complaint on
3 CitiMortgage.

4 3. The undersigned counsel was retained on February 12, 2013.

5 4. Pursuant to Rule 12(a)(1)(A)(i), based upon Relators' summons, the deadline for
6 CitiMortgage to file a responsive pleading expires today, February 13, 2013. By this Emergency
7 Motion, CitiMortgage requests a 60-day extension of the deadline for a responsive pleading through
8 April 15, 2013. This is the same deadline for a responsive pleading requested by certain other
9 defendants. (See Docket No. 66 ¶ 3.)

10 5. This is CitiMortgage's first request for an extension.

11 6. As required by Local Rule 7-5(d)(3), the undersigned counsel attempted to resolve
12 this issue without court action. But as explained in the attached declaration of Ariel E. Stern,
13 opposing counsel, Ms. Sigal Chattah, declined to grant a 60-day extension. Therefore, this motion is
14 opposed.

15 7. Good cause exists for the requested extension. Relators have filed a *qui tam* action
16 invoking the federal False Claims Act alleging broad claims that CitiMortgage violated complicated
17 contractual arrangements with secondary mortgage purchasers Fannie Mae and Freddie Mac.
18 Moreover, the putative Third Amended Complaint identifies, for the first time, particular property
19 that Relators contend were affected by the alleged violations. (See Docket No. 43 ¶¶ 88-90.)
20 Significant and time-consuming legal research and factual investigation is necessary to evaluate and
21 address Relators' allegations in a motion to dismiss or other responsive pleading. Among other
22 issues, CitiMortgage needs to investigate the source of the Relators' allegations in order to assess
23 whether they have proper standing under the False Claims Act. This will require significant time, as
24 will any subsequent briefing on a motion to dismiss. A 60-day extension is therefore appropriate.

25 8. The requested extension will advance judicial economy. As noted by certain other
26 defendants in their Emergency Motion For an Extension of The Deadline for Responsive Pleadings
27 (see Docket No. 66 ¶ 7), this matter likely presents certain issues that are common to multiple
28 defendants, and if the requested extension is granted, CitiMortgage will endeavor to develop a plan

1 for joint briefing of certain issues, which would greatly reduce the burden that Relators' lawsuit will
2 place on the Court.

3 9. Relators will not be prejudiced by the requested extension. Relators have not
4 prevented that delay in prosecuting the action. After the complaint was unsealed, Relators delayed
5 for eight months before they requested a summons from the clerk. By comparison, the requested
6 extension is limited and will permit appropriate preparation of responses to the Third Amended
7 Complaint.

8 10. This motion is made without prejudice to all defenses, including defenses based on
9 improper or insufficient service of process.

10 WHEREFORE, CitiMortgage respectfully request that the Court grant this
11 Motion and extend the deadline for CitiMortgage to file a responsive pleading through
12 April 15, 2013.

13 DATED this 13th day of February, 2013.

AKERMAN SENTERFITT LLP

/s/ Ariel Stern

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CERTIFICATE OF SERVICE

This is to certify that on the 13th day of February, 2013, I served via the CM/ECF electronic filing system and/or deposited in the United States Mail, postage prepaid, a true and correct copy of the foregoing **EMERGENCY MOTION FOR AN EXTENSION OF THE DEADLINE FOR RESPONSIVE PLEADINGS**, and addressed to the following:

Sigal Chattah, Esq.
5875 S. Rainbow Blvd
Suite 204
Las Vegas, NV 89118

Attorney for Relators

/s/ Debbie Julien
An employee of Akerman Senterfitt LLP

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